

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SABRELINER AVIATION, LLC
Employer

and

Case 14-RD-135815

JASON R. BUERCK
Petitioner

and

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 600
Union

ORDER

The Employer's Request for Review of the Regional Director's administrative dismissal of the petition is denied as it raises no substantial issues warranting review.¹ Accordingly, dismissal of the petition is affirmed.²

MARK GASTON PEARCE,

CHAIRMAN

KENT Y. HIROZAWA,

MEMBER

Dated, Washington, D.C., September 21, 2015

¹ In denying review, we agree that the Regional Director properly dismissed the decertification petition because it was filed prior to the expiration of the minimum six-month insulated period (measured from the parties' first bargaining session after recognition) required by the successor bar doctrine. *UGL-UNICCO Service Co.*, 357 NLRB No. 76, slip op. at 9 (2011). We find it unnecessary to rely on the Regional Director's discussion of the number of negotiation sessions and the amount of time the parties spent in bargaining prior to the filing of the petition.

² In reaching the conclusions herein, we take administrative notice of the record in a related unfair labor practice case, 14-CA-136141. See *Metro Demolition Co.*, 348 NLRB 272, 272 fn. 3 (2006).

Member Miscimarra, dissenting.

Consistent with the views expressed in my concurring opinion in *FJC Security Services*, 360 NLRB No. 115, slip op. at 1-4 (2014), I would adhere to the standard established in *MV Transportation*, 337 NLRB 770, 770 (2002), where the Board held that “an incumbent union in a successorship situation is entitled to--and only to--a *rebuttable* presumption of continuing majority status, which will not serve as a bar” to an otherwise valid rival union petition; and alternatively, I believe that a successor bar under *UGL-UNICCO Service Co.*, 357 NLRB No. 76 (2011), if applied, should commence running when the successor is first required to recognize and bargain with the union rather than when the parties have their first bargaining session. Accordingly, I would grant review and find that the petition warrants an election.

PHILIP A. MISCIMARRA,

MEMBER